

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN SCHUTTER,	:	CIVIL ACTION
PLAINTIFF	:	
	:	NO. 07-3823
V.	:	
	:	
DAVID HERSKOWITZ and PHILIP	:	
BANKS,	:	
DEFENDANTS	:	

MOTION OF FRANK MARCONE TO PRODUCE
EVIDENCE OF CONTACT WITH PHILIP BANKS

Frank Marcone, by his counsel, Samuel C. Stretton, Esquire, hereby submits the phone records from Frank Marcone indicating telephone calls between himself and Philip Banks from December 31, 2007 through July 15, 2008 for the following reasons:

1. During the hearing on October 23, 2008, before the Honorable David Strawbridge, Frank Marcone was requested to produce proof that he had contact on a regular basis with Mr. Banks.

2. Attached and marked Exhibit "A" are the telephone records of telephone calls between Mr. Banks and Mr. Marcone, which are numerous and substantial during all pertinent times.

3. These records confirm Mr. Marccone's testimony of his numerous contacts with Mr. Banks during the pertinent time.

WHEREFORE, Mr. Marccone respectfully requests this Honorable Court accept these records into the evidence.

Respectfully submitted,

s/ Samuel C. Stretton
Samuel C. Stretton, Esquire
Attorney for Frank Marccone
301 S. High St.
P.O. Box 3231
West Chester, PA 19381
(610) 696-4243
Attorney I.D. No. 18491

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CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the Motion of Frank Marcone to Produce Evidence in the captioned matter upon the following persons in the manner indicated below.

Service by First Class Mail addressed as follows:

1. Honorable David R. Strawbridge
4006 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797
2. Michael Yanoff, Esquire
1800 Pennbrook Parkway
Suite 200
Lansdale, PA 19466
(215) 362-2474
Attorney for Defendant, Philip Banks
3. Jay M. Herskowitz, Esquire
181 Cypress Court
Marlton, NJ 08053
(856) 985-8357
4. James M. Loots, Esquire
236 Massachusetts Avenue, NE
Washington, DC 20002
(202) 536-5650

5. Charles Curley, Esquire
1100 E. Hector Street
Suite 425
Conshohocken, PA 19428
(610) 834-8819
6. Frank Marccone, Esquire
2530 North Providence Road
Upper Providence, PA 19063
7. Kelle Kilgarriff, Esquire
1100 E. Hector Street
Suite 425
Conshohocken, PA 19428
(610) 834-8819

Respectfully submitted,

November 25, 2008
Date

s/ Samuel C. Stretton
Samuel C. Stretton, Esquire
Attorney for Frank Marccone
301 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. 18491